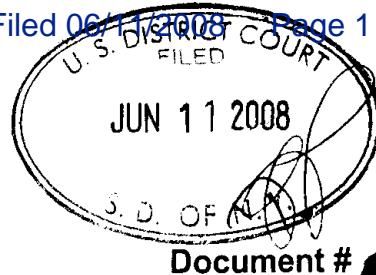


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CSI Investment, et al.

USCA NO. 08-2700-cv-v-
Cendant Corp., et al.SDNY NO. 00-cv-1422
JUDGE: Deborah A. Batts
DATE: June 10, 2008

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) Mark Germann
FIRM O'Melveny & Myers LLP
ADDRESS 7 Times Square
New York, NY 10036
PHONE NO. (212) 326-2000

DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

Original Record

Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 10th Day of June, 2008.

**United States District Court for
the Southern District of New York**

CSI Investment, et al.

-v-

Cendant Corp., et al.

Date: June 10, 2008

U.S.C.A. # 08-2700-cv

U.S.D.C. # 08-cv-1422

D.C. JUDGE: Deborah A. Batts

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 235, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
<u>9/16/04</u>	<u>73 Affidavit of Service</u>
<u>3/15/06</u>	<u>114 Memorandum & Order Denying Request</u>
<u>5/5/06</u>	<u>121 Demand for Trial by Jury</u>
<u>6/8/07</u>	<u>179 Reply Statement of Material Undisputed Facts Pursuant to Rule 56.1</u>
<u>6/8/07</u>	<u>182 Plaintiffs' and Third-Party Defendants' Consolidated Memorandum of Law</u>
<u>10/23/07</u>	<u>213 Motion to strike the Affidavits of Cosmo Corigliano...</u>
<u>10/23/07</u>	<u>214 Memorandum of Law in support re: 213 Motion to Strike</u>
<u>10/23/07</u>	<u>215 Response to Defendant Cendant Corporation's Improper Statement</u>
<u>10/23/07</u>	<u>216 Memorandum of Law in Opposition re: 208 motion for Reconsideration</u>
<u>5/23/08</u>	<u>231 Notice of Appeal</u>

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 10th Day of June In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232nd year.

J. Michael McMahon, Clerk

By _____

Deputy Clerk

APPEAL, CASREF, SUSPENSE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square - Suspense)
CIVIL DOCKET FOR CASE #: 2:00-cv-01422-DAB-DFE
Internal Use Only

CSI Investment, et al v. Cendant Corp., et al
Assigned to: Judge Deborah A. Batts
Referred to: Magistrate Judge Douglas F. Eaton
Demand: \$9,999,000
Cause: 28:1331 Fed. Question: Breach of Contract

Date Filed: 02/24/2000
Jury Demand: Plaintiff
Nature of Suit: 850 Securities/Commodities
Jurisdiction: Federal Question

Date Filed	#	Docket Text
02/24/2000	(1)	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 150.00 RECEIPT # 367841. (em) (Entered: 02/29/2000)
02/24/2000		Magistrate Judge Douglas F. Eaton is so Designated. (em) (Entered: 02/29/2000)
02/24/2000	(2)	RULE 1.9 CERTIFICATE filed by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle. (em) (Entered: 02/29/2000)
03/28/2000	(3)	STIPULATION and ORDER, reset answer due for 3/27/00 for Cendant Corporation . (signed by Judge Deborah A. Batts) (ri) (Entered: 03/28/2000)
04/10/2000	(4)	STIPULATION and ORDER; reset answer to the complt. due for 4/26/00 for Amy Lipton ; (signed by Judge Deborah A. Batts) (ls) (Entered: 04/10/2000)
05/08/2000	(5)	Document stricken from the record and returned to the party purs. to Order, Doc. #8, signed by Judge Batts. (ls) Modified on 05/12/2000 (Entered: 05/09/2000)
05/08/2000	(6)	Document stricken from the record and returned to the party, purs. to Order, Doc. #8, signed by Judge Batts. (ls) Modified on 05/12/2000 (Entered: 05/09/2000)
05/08/2000	(7)	Document stricken from the record and returned to the party purs. to Order, Doc. #8, signed by Judge Batts. (ls) Modified on 05/12/2000 (Entered: 05/09/2000)
05/11/2000	(8)	STRIKE ORDER; the Clerk is ordered to strike entries 5, 6, and 7 from the Docket. These documents shall be returned by mail to the appropriate party, along with a copy of this Order . (signed by Judge Deborah A. Batts); Copies mailed.(sn) Modified on 05/12/2000 (Entered: 05/12/2000)
07/05/2000	(9)	STIPULATION; that the reply papers on the motion to dismiss this case served by dft. Amy Lipton on 4/16/00 shall be due on 7/14/00, and that the Return Date shall be 7/17/00, at which time all papers will be filed with the Clerk . (signed by Judge Deborah A. Batts) (pl) (Entered: 07/05/2000)
07/05/2000	(10)	STIPULATION and ORDER; the time for Cendant to reply to pltffs' papers served in response to Cendant's motion to dismiss the complaint shall be extended to 7/14/00 . The respective return dates of Cendant's motion to dismiss the complaint and motion for admission pro hac vice shall be adjourned to 7/17/00 . (signed by Judge Deborah A. Batts) (sn) (Entered: 07/06/2000)
07/14/2000	(11)	STIPULATION and ORDER; in order to accommodate the schedules of counsel, the Return Date on Defendant Amy Lipton's to Dismiss this case shall be July 26, 2000, at which time all papers will be filed with the Court (signed by Judge Deborah A. Batts) (djc) Modified on 07/17/2000 (Entered: 07/14/2000)
07/17/2000	(12)	NOTICE OF MOTION by Cendant Corporation; for an order pursuant to Rule 1.3 (c) of the Local Rules of this Court admitting Robert Y. Sperling and Nicole Nehama Auerbach appear pro hac vice on behalf of dft. Cendant Corporation ; w/ attch. declaration in support by Michael H. Gruenglas; Return date: 6/1/00. (pl) (Entered: 07/18/2000)
07/17/2000	(13)	NOTICE OF MOTION by Cendant Corporation; for an order pursuant to Rule 12(b)(6) of the F.R.C.P., 15 U.S.C. section 78j(e)(2000), AND 28 U.S.C. section 1367 to dismiss for failure to state a claim ; w/ attch. declaration in support by Michael H. Gruenglas; Return Date: 6/1/00. (pl) (Entered: 07/18/2000)
07/17/2000	(14)	MEMORANDUM OF LAW by Cendant Corporation in support of [13-1] motion for an order pursuant to Rule 12(b)(6) of the F.R.C.P., 15 U.S.C. section 78j(e)(2000), AND 28 U.S.C. section 1367 to dismiss for failure to state a claim . (pl) (Entered: 07/18/2000)
07/17/2000	(15)	RULE 1.9 CERTIFICATE filed by Cendant Corporation . (pl) (Entered: 07/18/2000)
07/17/2000	(16)	MEMORANDUM OF LAW by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle in opposition to [13-1] motion for an order pursuant to Rule 12(b)(6) of the F.R.C.P., 15 U.S.C. section 78j(e)(2000), AND 28 U.S.C. section 1367 to dismiss for failure to state a claim . (pl) (Entered: 07/18/2000)
07/17/2000	(17)	AFFIRMATION of Sean F. O'Shea by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle in opposition to [13-1] motion for an order pursuant to Rule 12(b)(6) of the F.R.C.P., 15 U.S.C. section 78j(e)(2000), AND 28 U.S.C. section 1367 to dismiss for failure to state a claim . (pl) (Entered: 07/18/2000)
07/17/2000	(18)	REPLY MEMORANDUM by Cendant Corporation in support of re: [13-1] motion for an order pursuant to Rule 12(b)(6) of the F.R.C.P., 15 U.S.C. section 78j(e)(2000), AND 28 U.S.C. section 1367 to dismiss for failure to state a claim (pl) (Entered: 07/18/2000)
07/26/2000	(19)	NOTICE OF MOTION by Amy Lipton for an order dismissing the complaint against Amy Lipton, purs to Rules 9(b) and 12(b)(6) of the FRCP or in the alternative staying this action ; Return date 5/8/00. (djc) (Entered: 07/27/2000)
07/26/2000	(20)	MEMORANDUM OF LAW by Amy Lipton in support of [19-1] motion for an order dismissing the complaint against Amy Lipton, purs to Rules 9(b) and 12(b)(6) of the FRCP, [19-2] motion staying this action . (djc) (Entered: 07/27/2000)

07/26/2000	(21)	DECLARATION of Daniel J. Beller Re: in connection with Ms. Lipton's motion to dismiss the complaint in this action and to identify documents that are either referred to, but not included, in the complaint or are otherwise documents that this Court may consider in connection with Ms. Lipton's motion to dismiss. (djc) (Entered: 07/27/2000)
07/26/2000	(22)	REPLY MEMORANDUM by Amy Lipton in Further Support of [19-1] motion for an order dismissing the complaint against Amy Lipton, purs to Rules 9(b) and 12(b)(6) of the FRCP, [19-2] motion staying this action (djc) (Entered: 07/27/2000)
07/26/2000	(23)	MEMORANDUM OF LAW by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle in opposition to [19-1] motion for an order dismissing the complaint against Amy Lipton, purs to Rules 9(b) and 12(b)(6) of the FRCP . (djc) (Entered: 07/27/2000)
07/26/2000	(24)	AFFIRMATION of Sean F. O'Shea by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle in opposition to [19-1] motion for an order dismissing the complaint against Amy Lipton, purs to Rules 9(b) and 12(b)(6) of the FRCP . (djc) (Entered: 07/27/2000)
07/31/2000	(25)	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for dispositive motion (i.e. motion requiring a report and recommendation). (signed by Judge Deborah A. Batts) Referred to Magistrate Judge Douglas F. Eaton. (kw) (Entered: 08/01/2000)
07/31/2000	(26)	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Dispositive Motion (i.e. motion requiring a report and recommendation) (signed by Judge Deborah A. Batts) Referred to Magistrate Judge Douglas F. Eaton. (lam) (Entered: 08/01/2000)
08/07/2000	(27)	ORDER; granting [12-1] motion for an order pursuant to Rule 1.3 (c) of the Local Rules of this Court admitting Robert Y. Sperling and Nicole Nehama Auerbach appear pro hac vice behalf of deft. Cendant Corporation. (signed by Judge Deborah A. Batts); Copies mailed. (docmt forwarded to atty admissions clerk). (djc) (Entered: 08/10/2000)
10/01/2000	(28)	REPORT AND RECOMMENDATION of Magistrate Judge Douglas F. Eaton Re: [13-1] motion for an order pursuant to Rule 12(b)(6) of the F.R.C.P., 15 U.S.C. section 78j(e)(2000), AND 28 U.S.C. section 1367 to dismiss for failure to state a claim; [19-1] motion for an order dismissing the complaint against Amy Lipton, purs to Rules 9(b) and 12(b)(6) of the FRCP; [19-2] motion staying this action. I recommend that Judge Batts grant the motions of Cendant and Lipton to dismiss the complt. I also recommend that ptiffs should be granted leave to file an amended complt. on the conditions set forth in this Report and Recommendation; Objections to R and R due by 10/16/00. (lf) (Entered: 11/01/2000)
11/15/2000	(29)	Memo-Endorsement on letter addressed to Judge Batts from Sean F. O'Shea, dated 11/8/00; granting ptiff's request for an additional 10 days within which to make objections to Mag. Judge Eaton's Report and Recommendation. (signed by Judge Deborah A. Batts); Copies mailed. (sac) (Entered: 11/16/2000)
03/30/2001	(30)	ADOPTION OF REPORT AND RECOMMENDATION; that the Report and Recommendation of U.S. Magistrate Judge Eaton dated 10/31/00 is approved, adopted and ratified by the Court ; the [13-1] & [19-1] motions to dismiss submitted by defts Cendant and Lipton are granted for the reasons further set forth on this document; deft Lipton's [19-2] request for a stay of the proceedings in this Court is denied; ptiff is granted leave to file an Amended Complaint upon the conditions stated in the Report and Recommendation as outlined at pages 31-32, and upon the conditions further set forth on this document ; should the parties elect to proceed before Magistrate Eaton for all purposes, they are directed to return the consent for (Enclosed with this document) purs. to 28 USC 636(c) within 10 days of the date of this Order . (signed by Judge Deborah A. Batts); Copies mailed. (jp) (Entered: 04/03/2001)
04/18/2001	(31)	AMENDED COMPLAINT by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle (Answer due 5/1/01 for Cendant Corporation, for Cosmo Corigliano, for Does 1 through 100) amending [1-1] complaint against Henry Silverman, Samuel Katz; Summons issued. (sn) (Entered: 04/20/2001)
04/18/2001	(31)	DEMAND for jury trial by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle. (sn) (Entered: 04/20/2001)
05/10/2001	(32)	STIPULATION and ORDER, reset answer to amended complaint due for 6/8/01 for Samuel Katz, for Henry Silverman, for Does 1 through 100, for Amy Lipton, for Cosmo Corigliano, and for Cendant Corporation . (signed by Judge Deborah A. Batts) (kw) (Entered: 05/11/2001)
06/05/2001	(33)	STIPULATION and ORDER, extending time for all defts to answer to the Amended Complaint ; reset answer to the amended complaint due for 6/22/01 for Samuel Katz, for Henry Silverman, for Does 1 through 100, for Cosmo Corigliano, for Cendant Corporation . (signed by Judge Deborah A. Batts) (kg) Modified on 06/11/2001 (Entered: 06/06/2001)
10/09/2001	(34)	NOTICE of address change filed by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle . (yv) (Entered: 10/11/2001)
11/19/2001	(35)	NOTICE OF MOTION by Cosmo Corigliano; for an Order dismissing the Amended Complaint against Cosmo Corigliano, pursuant to Rules 9(b) and 12(b)(6) of the F.R.C.P.. Return date 7/20/01. Received in night deposit on 11/19/01 at 11:32 p.m. (jco) (Entered: 11/21/2001)
11/19/2001	(36)	MEMORANDUM OF LAW by Cosmo Corigliano in support of [35-1] motion for an Order dismissing the Amended Complaint against Cosmo Corigliano, pursuant to Rules 9(b) and 12(b)(6) of the F.R.C.P. (jco) (Entered: 11/21/2001)
11/19/2001	(37)	REPLY MEMORANDUM by Cosmo Corigliano in further support of [35-1] motion for an Order dismissing the Amended Complaint against Cosmo Corigliano, pursuant to Rules 9(b) and 12(b)(6) of the F.R.C.P. (jco) (Entered: 11/21/2001)
11/19/2001	(38)	DECLARATION of Henry E. Mazurek by Cosmo Corigliano in support of [35-1] motion for an Order dismissing the Amended Complaint against Cosmo Corigliano, pursuant to Rules 9(b) and 12(b)(6) of the F.R.C.P. (jco) (Entered: 11/21/2001)
11/19/2001	(39)	NOTICE OF MOTION by Cendant Corporation, Henry Silverman, Samuel Katz; for an Order dismissing the Amended Complaint pursuant to Rules 12(b)(6) and 9(b) of the F.R.C.P., 15 U.S.C. 78j(e)(2000), and 28 U.S.C. 1367 for failure to state a claim upon which relief can be granted . Return date 7/20/01. Received in night deposit on 11/19/01 at 11:32 p.m. (jco) (Entered: 11/21/2001)
11/19/2001	(40)	MEMORANDUM OF LAW by Cendant Corporation, Henry Silverman, Samuel Katz in support of [39-1] motion for an Order dismissing the Amended Complaint pursuant to Rules 12(b)(6) and 9(b) of the F.R.C.P., 15 U.S.C. 78j(e)(2000), and 28 U.S.C. 1367 for failure to state a claim upon which relief can be granted. (jco) (Entered: 11/21/2001)

11/19/2001	(41)	REPLY MEMORANDUM by Cendant Corporation, Henry Silverman, Samuel Katz re: [39-1] motion for an Order dismissing the Amended Complaint pursuant to Rules 12(b)(6) and 9(b) of the F.R.C.P., 15 U.S.C. 78j(e)(2000), and 28 U.S.C. 1367 for failure to state a claim upon which relief can be granted. (jco) (Entered: 11/21/2001)
11/19/2001	(42)	MEMORANDUM OF LAW by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle in opposition to [39-1] motion for an Order dismissing the Amended Complaint pursuant to Rules 12(b)(6) and 9(b) of the F.R.C.P., 15 U.S.C. 78j(e)(2000), and 28 U.S.C. 1367 for failure to state a claim upon which relief can be granted. Received in night deposit on 11/19/01 at 11:33 p.m. (jco) (Entered: 11/21/2001)
11/19/2001	(43)	APPENDIX by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle In re: Plaintiffs' Unpublished Decision. (jco) (Entered: 11/21/2001)
11/20/2001	(44)	Memo-Endorsement on letter addressed to Judge Batts from Michael H. Gruenglas, dated 11/13/01; counsel to defendants is granted leave to file a twenty-five page reply brief; (signed by Judge Deborah A. Batts); Copies mailed. (djc) (Entered: 11/21/2001)
11/29/2001	(45)	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Dispositive motion (i.e. motion requiring a report and recommendation. Referred to Magistrate Judge Douglas F. Eaton . (signed by Judge Deborah A. Batts) (jp) (Entered: 11/30/2001)
02/13/2002		Oral argument (from Mr. O'Shea and Mr. Sperling) held before Judge Eaton on 2/13/02. (db) (Entered: 02/14/2002)
02/13/2002	(46)	Additional Submission in support of Rule 12(b)(6) Motion of defendants Cendant Corporation, Silverman and Katz to dismiss plaintiffs' amended complaint. (jco) (Entered: 02/20/2002)
02/13/2002	(47)	Letter filed by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle addressed to Honorable Douglas F. Eaton from Law Offices of Sean F. O'Shea, dated 2/11/02, re: response to the supplemental submission of Defendant Cendant Corp. regarding the timeliness of Plaintiffs claim pursuant to Section 10(b) of the Securities and Exchange Act of 1934. (jco) (Entered: 02/20/2002)
03/01/2002	(48)	REPORT AND RECOMMENDATIONS of Magistrate Judge Douglas F. Eaton that Judge Batts delete the 12 words after the word "revealed" in paragraph 112 of the Amended Complaint; that Judge Batts dismiss the First Claim as to defendants Silverman and Katz; that Judge Batts dismiss the Eighth Claim as to defendant Corigliano; and that Judge Batts deny the defendants' motions in all other respects. Motion no longer referred. Objections to R and R due by 3/15/02. (tp) (Entered: 03/01/2002)
03/12/2002		Memorandum to Docket Clerk; Magistrate Judge Eaton closes the Order of Reference for Magistrate Judge statistical purposes. Reason: on 2/28/02, Magistrate Judge Eaton issued a Report and Recommendation . (kkc) (Entered: 03/18/2002)
03/12/2002		CASE NO LONGER REFERRED TO Magistrate Judge Douglas F. Eaton. (kkc) (Entered: 03/18/2002)
05/21/2002	(49)	ORDER/Adoption of Report and Recommendation; the Report and Recommendation of United States Magistrate Judge Douglas F. Eaton dated 02/28/02 is approved, adopted, and ratified in its entirety by the Court ; In accordance with Mag. Judge Eaton's Report and Recommendation: plaintiffs' First Claim as to defendants Silverman & Katz, and Plaintiffs' Eighth Claim as to Defendant Corigliano, are dismissed; denying [39-1] motion for an Order dismissing the Amended Complaint pursuant to Rules 12(b)(6) and 9(b) of the F.R.C.P., 15 U.S.C. 78j(e)(2000), and 28 U.S.C. 1367 for failure to state a claim upon which relief can be granted; denying [35-1] motion for an Order dismissing the Amended Complaint against Cosmo Corigliano, pursuant to Rules 9(b) and 12(b)(6) of the F.R.C.P.; Plaintiffs shall file a Second Amended Complaint, deleting the 12 words after the word "revealed" in Paragraph 112 of the Amended Complaint, within 10 days of the date of this Order. Defendants shall answer Plaintiffs' Second Amended Complaint within 20 days of its receipt by Defendants. After defendants have answered Plaintiffs' Second Amended Complaint, a Rule 16 conference will be scheduled before this Court. See Rule 16, FRCP ; (signed by Judge Deborah A. Batts); Copies mailed. (djc) (Entered: 05/23/2002)
05/30/2002	(50)	CERTIFICATE OF SERVICE of Second Amended Complaint as to Cendant Corporation, Cosmo Corigliano by mail on 5/30/02. Answer due on 6/19/02 for Cendant Corporation, for Cosmo Corigliano. (jco) (Entered: 06/04/2002)
05/30/2002	(51)	SECOND AMENDED COMPLAINT by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle (Answer due 6/19/02 for Samuel Katz, for Henry Silverman, for Does 1 through 100, for Cosmo Corigliano, for Cendant Corporation) amending [31-1] amended complaint. (jco) (Entered: 06/04/2002)
06/25/2002	(52)	ANSWER to Complaint and COUNTERCLAIM by Cendant Corporation (Attorney Jonathan J. Lerner) against CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle; Firm of: Skadden, Arps, et al. by attorney Jonathan J. Lerner for defendant Cendant Corporation (db) (Entered: 07/01/2002)
06/26/2002	(53)	ANSWER by Cosmo Corigliano to [31-1] amended complaint . (Attorney Gary P. Naftalis from the Firm: Kramer, Levin, Naftalis & Frankel, L.L.P.). (db) (Entered: 07/02/2002)
08/16/2002	(54)	NOTICE of CHANGE OF LAW FIRM by Cendant Corporation. The new law firm for Robert Y. Sperling is Winston & Strawn, 35 West Wacker Drive, Chicago, Illinois 60601. (sb) (Entered: 08/20/2002)
09/03/2002	(55)	STIPULATION and ORDER of SUBSTITUTION OF COUNSEL, that the firm of Winston & Strawn, 200 Park Avenue, New York, New York 10166 be and hereby is substituted as counsel of record for defendant Cendant Corporation in this matter in place of the firm of Skadden, Arps, Slate, Meagher & Flom, Four Times Square, New York, NY 10036 . (signed by Judge Deborah A. Batts) (tp) (Entered: 09/04/2002)
11/04/2002	(56)	ORDER, that because they are not properly parties to plaintiffs' second amended complaint, dfts Silverman and Katz are hereby dismissed from this action , counsel for plaintiffs and all other dfts shall appear at a conference before this court, 500 Pearl Street, courtroom 24b at 10:00 a.m. on Friday 11/15/02 . (signed by Judge Deborah A. Batts); (dle) (Entered: 11/05/2002)
11/06/2002	(57)	NOTICE OF MOTION by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle for an order, purs. to Local Rule 6.3 for reconsideration of this Court Order, dated 10/28/02 ; Return Date not indicated. (sac) (Entered: 11/13/2002)
11/06/2002	(58)	MEMORANDUM OF LAW by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle in support of [57-1] motion for an order, purs. to Local Rule 6.3 for reconsideration of this Court Order, dated 10/28/02. (sac) (Entered: 11/13/2002)

11/06/2002	(59)	AFFIDAVIT of Michael E. Petrella by CSI Investment, CIS Acquisition, Canterbury Mezzanine, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle in support of [57-1] motion for an order, purs. to Local Rule 6.3 for reconsideration of this Court Order, dated 10/28/02. (sac) (Entered: 11/13/2002)
11/13/2002	(60)	ORDER, The part of the Court's 10/28/02 order dismissing defendants Silverman and Katz from this case entirely is withdrawn, and they are reinstated as Defendants in claims two and eight only. The court's dismissal of claim one as to defendants Silverman and Katz only shall remain in force. The status conference scheduled for 11/15/02 shall go forward. Counsel for defendants Silverman and Katz shall file and serve an answer on their behalf by 11/14/02, and shall deliver courtesy copies to the Court at the 11/15/02 status conference. (signed by Judge Deborah A. Batts) (sb) (Entered: 11/15/2002)
11/15/2002	(61)	ANSWER by Samuel Katz to [51-1] second amended complaint . (Attorney Richard F. Lawler, Robert Y. Sperling from the Firm: Winston & Strawn). (dle) (Entered: 11/18/2002)
11/15/2002	(62)	ANSWER by Henry Silverman to [51-1] second amended complaint . (Attorney Richard F. Lawler, Robert Y. Sperling from the Firm: Winston & Strawn). (dle) (Entered: 11/18/2002)
11/15/2002	(63)	STIPULATION and ORDER; effective November 7, 1002 the firm of Winston & Strawn shall be substituted as counsel of record for Defendants Henry Silverman and Samuel Katz in place and stead of the firm of Skadden, Arps, Slate, Meagher & Flom ; (signed by Judge Deborah A. Batts); Attached is affidavit in support. (djc) Modified on 11/18/2002 (Entered: 11/18/2002)
11/21/2002	(64)	SCHEDULING ORDER: No additional parties may be joined after 11/15/02; all discovery, including expert discovery, shall be commenced in time to be completed by 04/02/04; a party contemplating making a dispositive motion must notify opposing counsel by 05/07/04; proposed requests to charge and proposed voir dire shall be submitted by 05/28/04; joint pre-trial statement shall be submitted by 05/28/04; Memoranda of Law addressing those issues raised in the JPTS shall be submitted by 05/28/04; responses to the memoranda shall be submitted by 06/14/04; parties to contact Chambers to set next status; Plaintiffs to file next week to remove Does 1-100; (signed by Judge Deborah A. Batts); (djc) (Entered: 11/22/2002)
01/29/2003	(65)	ORDER, All parties shall appear before this Court for a pre-motion discovery dispute conference on Wed. 2/5/03 at 11:00 a.m. If defendants wish to submit responsive materials prior to this conference, they shall submit them directly to Chambers by 2/3/03 at 4:00 p.m. At the last status conference on 11/15/02, the court directed plaintiffs to file a stipulation of discontinuance as to John Does 1 to 100. To date, the Court's records indicate that nothing has been filed. (signed by Judge Deborah A. Batts) (sb) (Entered: 02/03/2003)
02/07/2003	(66)	STIPULATION of discontinuance of John Doe defendants 1-100 (inclusive). (signed by Judge Deborah A. Batts) (tp) (Entered: 02/10/2003)
04/02/2003	(67)	Transcript of record of proceedings before Judge Deborah A. Batts for the date(s) of February 6, 2003. (dt) (Entered: 04/02/2003)
07/02/2003	(68)	King & Spalding, LLP's Objections to CSI Investment Partners' Subpoena (djc) (Entered: 07/08/2003)
01/29/2004	(69)	ENDORSED LETTER addressed to Judge Batts from Sean O'Shea dated 1/19/04, granting plntfs request to extend discovery to 10/31/04. (Signed by Judge Deborah A. Batts on 1/28/04) (cd,) (Entered: 02/06/2004)
01/29/2004		Set/Reset Scheduling Order Deadlines: Discovery due by 10/31/2004. (cd,) (Entered: 02/06/2004)
06/03/2004	(70)	MOTION for Ronald S. Betman, Timothy J. McCaffrey and Christina L. Collins to Appear Pro Hac Vice. Document filed by Cendant Corporation, Samuel Katz, Henry Silverman. Attached is Affirmation in support of Richard F. Lawler (djc,) (Entered: 06/03/2004)
06/18/2004	(71)	ORDER ADMITTING ATTORNEY Ronald S. Betman, Timothy J. McCaffrey, and Christina L. Collins PRO HAC VICE. (Signed by Judge Deborah A. Batts on 6/15/04) (jco,) (Entered: 06/18/2004)
06/18/2004		Transmission to Attorney Admissions Clerk. Transmitted re: 71 Order Admitting Attorney Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jco,) (Entered: 06/18/2004)
06/22/2004		CASHIERS OFFICE REMARK on 71 Order Admitting Attorney Pro Hac Vice in the amount of \$75.00, paid on 6/22/04, Receipt Number 512542. (db,) (Entered: 06/24/2004)
08/31/2004	(72)	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Specific Non-Dispositive Motion/Dispute: * Discovery. Referred to Magistrate Judge Douglas F. Eaton. (Signed by Judge Deborah A. Batts on 8/31/2004) (jmi,) (Entered: 09/08/2004)
09/13/2004	73	AFFIDAVIT OF SERVICE of endorsed letter served on John Howard on 9/13/04. Service was made by Mail. Document filed by John J. Adams, Charles Caudle, Cendant Corporation, Cosmo Corigliano, Samuel Katz, Vineet Pruthi, Henry Silverman. (dle,) (Entered: 09/16/2004)
09/13/2004	(74)	ORDER that the court will permit the plaintiffs to ask re-worded questions on topics that have already been covered by plaintiff's previous questions as further set forth in this order. (Signed by Judge Douglas F. Eaton on 9/9/04) Copies mailed by chambers.(dle,) Modified on 9/16/2004 (dle,). (Entered: 09/16/2004)
09/23/2004	(75)	ENDORSED LETTER addressed to Magistrate Judge Douglas F. Eaton from Michael E. Petrella dated 9/21/04; re: I grant this request; Discovery due by 2/1/2005. (Signed by Judge Douglas F. Eaton on 9/21/04) (sac,) (Entered: 09/24/2004)
11/05/2004	(76)	ORDER Plaintiff's request to move for leave to amend is granted. In addition, the Court has determined that oral argument on plaintiff's motion for necessary to enable the Court to resolve Plaintiff's motion properly. Such argument shall take place on 1/19/05 at 11:00 a.m. and, if necessary, 1/20/05 at 11:00 am, at the U.S. Courthouse, 500 Pearl Street, New York, NY in Courtroom 24B. Plaintiff shall file its moving papers with the Court and serve them on defendants no later than 12/1/04. Defendants shall file and serve their opposition papers no later than 12/31/04, and plaintiff's reply shall be filed and served no later than 1/10/05, at which time the motion will be fully submitted. So Ordered. (Signed by Judge Deborah A. Batts on 11/1/04) (jco,) (Entered: 11/10/2004)
11/05/2004		Oral Argument set for 1/19/2005 11:00 AM before Judge Deborah A. Batts. (Signed by Judge Deborah A. Batts on 11/1/04) (jco,) (Entered: 11/10/2004)
12/02/2004	(77)	NOTICE OF MOTION to Amend/Correct Amend Second Amended Compl..oral argument is requested.. Document filed by John J. Adams, CIS Acquisition Partners, L.P., CSI Investment Partners II, L.P., Canterbury Mezzanine Capital, L.P., Charles Caudle, Michael Cossel, M. Gerard Keehan, Vineet Pruthi, Robert E. Richardson, James M. Rothe, Marilyn Schwartz, Donald J. Shea, David C. Thompson. Return Date set for 1/19/2005 11:00 AM. (pa,) (Entered: 12/03/2004)
12/02/2004	(78)	DECLARATION of Michael E. Petrella in Support re: 77 MOTION to Amend/Correct.. Document filed by John J. Adams, CIS Acquisition Partners, L.P., CSI Investment Partners II, L.P., Canterbury Mezzanine Capital, L.P., Charles Caudle, Michael Cossel, M. Gerard Keehan, Vineet Pruthi, Robert E. Richardson, James M. Rothe, Marilyn Schwartz, Donald J. Shea, David C. Thompson. (pa,) (Entered: 12/03/2004)

12/02/2004	(79)	MEMORANDUM OF LAW in Support re: 77 MOTION to Amend/Correct.. Document filed by John J. Adams, CIS Acquisition Partners, L.P., CSI Investment Partners II, L.P., Canterbury Mezzanine Capital, L.P., Charles Caudle, Michael Cossel, M. Gerard Keehan, Vineet Pruthi, Robert E. Richardson, James M. Rothe, Marilyn Schwartz, Donald J. Shea, David C. Thompson. (pa,) (Entered: 12/03/2004)
01/03/2005	(80)	DEFENDANTS' MEMORANDUM OF LAW in Opposition to Plaintiffs' re: 77 MOTION to Amend/Correct.. Document filed by Cendant Corporation, Cosmo Corigliano, Amy Lipton, Does 1 through 100, Henry Silverman, Samuel Katz. (jmi,) (Entered: 01/07/2005)
01/04/2005	(81)	ENDORSED LETTER addressed to Judge Douglas F. Eaton from Richard F. Lawler dated 12/30/04 re: Counsel for defendants Cendant Corp., Henry Silverman and Samuel Katz writes to request an extension of the discovery deadline until 8/1/05. Judge Bats has authorized me to state that she has closed her Order of Reference and that all applications should be made to her. (Signed by Judge Douglas F. Eaton on 1/3/05) (jco,) (Entered: 01/07/2005)
01/04/2005	(82)	ENDORSED LETTER addressed to Judge Deborah A. Batts from Michael E. Petrella dated 1/3/05 re: denying Plaintiffs request to file a reply brief no more than 20 pages in length. (Signed by Judge Deborah A. Batts on 1/4/05) (pl,) (Entered: 01/13/2005)
01/05/2005		MEMORANDUM TO THE DOCKET CLERK: I hereby close the above Order of Reference for magistrate judge statistical purposes. The case remains open. Reason: On January 3, 2005, Judge Batts authorized me to state that she has closed her Order of Reference and that all applications should be made to her. (jeh,) (Entered: 01/07/2005)
01/11/2005	(83)	REPLY MEMORANDUM OF LAW in Support of re: 77 MOTION to Amend/Correct. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, and Michael Cossel. (kw,) (Entered: 01/18/2005)
01/11/2005	(84)	REPLY Declaration of Michael E. Petrella in Support of re: 77 MOTION to Amend/Correct. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, and Michael Cossel. (kw,) (Entered: 01/18/2005)
02/05/2005	(85)	TRANSCRIPT of proceedings held on 1/19/05 before Judge Deborah A. Batts. (kj,) (Entered: 02/05/2005)
02/05/2005	(86)	TRANSCRIPT of proceedings held on 1/19/05 before Judge Deborah A. Batts. (kj,) (Entered: 02/05/2005)
02/15/2005	(87)	TRANSCRIPT of proceedings held on 1/19/05 before Judge Deborah A. Batts. (Martin, Leslie) (Entered: 02/15/2005)
04/08/2005	(88)	NOTICE of Change of Address by Alan Roy Friedman, Gary P. Naftalis on behalf of Cosmo Corigliano. New Address: Kramer, Levin, Naftalis & Frankel, LLP, 1177 Avenue of the Americas, New York, NY, 10036, 212 715-9100. (ps,) (Entered: 04/15/2005)
07/14/2005	(89)	TRANSCRIPT of proceedings held on 7/7/05 before Judge Deborah A. Batts. (lma,) (Entered: 07/14/2005)
08/09/2005	(90)	ORDER; the Court has reviewed the letter from Sheldon Feldman to Cendant Interactive Services, Inc., dated 1/8/99, and finds that Defendants need not turn it over to Plaintiffs. (Signed by Judge Deborah A. Batts on 8/4/05) (sac,) (Entered: 08/10/2005)
08/09/2005	(91)	ORDER; this matter is referred for all discovery disputes and supervision to Magistrate Judge Douglas Eaton. Judge Eaton is to work with the parties as need to complete all discovery by 3/31/06, as ordered by the Court. There shall be no extensions. (Signed by Judge Deborah A. Batts on 8/4/05) (sac,) (Entered: 08/10/2005)
08/09/2005	(92)	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Discovery. Referred to Magistrate Judge Douglas F. Eaton. (Signed by Judge Deborah A. Batts on 8/4/2005) (kkc,) (Entered: 08/12/2005)
08/16/2005	(93)	MEMORANDUM and ORDER. Plaintiff granted an extension of time until August 31, 2005 to answer Cendant Corporation's First Requests for Admissions and Second Set of Interrogatories. If parties have any further Discovery disputes they should follow the Standing Order. (Signed by Judge Douglas F. Eaton on 8/15/05) (js,) (Entered: 08/18/2005)
11/16/2005	(94)	MEMORANDUM AND ORDER; I direct defendants to serve, by December 2, 2005, documents as stated in this Memorandum and Order.; I also direct the defendants to serve, by December 2, 2005, copies of any other communications betw. Cendant and Citibank, from 1998 through 2000, concerning the issue of tape-recorded verbal authorization or the need for customer signatures. (Signed by Judge Douglas F. Eaton on 11/16/05) copies forwarded by chambers; (djc,) (Entered: 11/17/2005)
11/29/2005	(95)	ORDER; defendant's motion to compel or preclude is DENIED. Plaintiffs are directed to serve responses by 12/5/2005. For the rest of the litigation parties must send every communication to each other by fax, unless the communication is more than 25 pgs..... (Signed by Judge Douglas F. Eaton on 11/28/05) (kco,) (Entered: 11/30/2005)
11/30/2005	(96)	MEMORANDUM AND ORDER: The Court directs the defendants to serve, by December 14, 2005, a sworn statement as to whether the defendants ever had control of documents concerning Credentials' co-marketing partners for April 1998 through July 1998 and, if so, what efforts defendants have made to locate such documents and what information defendants have concerning who may have destroyed such documents and when and why. (Signed by Judge Douglas F. Eaton on 11/29/2005) Copies Mailed By Chambers.(jmi,) (Entered: 12/01/2005)
12/08/2005	(97)	MEMORANDUM AND ORDER; Plaintiffs' counsel could have placed a call to me from the deposition. If that had been done, I would have ruled, as I now rule, that Mr. Murphy need not answer questions concerning his plan for future employment after the contemplated spin-offs. (Signed by Judge Douglas F. Eaton on 12/8/05) Copies Mailed by Chambers.(sac,) (Entered: 12/09/2005)
12/28/2005	(98)	ORDER; all counsel is directed to confer with each other for at least 30 minutes on or before 1/3/2006, to increase the productivity of the conference. A Telephone Conference is set for 1/4/2006 at 5:30 PM before Magistrate Judge Douglas F. Eaton. (Signed by Judge Douglas F. Eaton on 12/28/05) (kco,) (Entered: 12/29/2005)
12/30/2005	(99)	ENDORSED LETTER: addressed to Judge Douglas F. Eaton from Frank H. Wohl dated 12/29/05. ENDORSEMENT: I GRANT leave to Ms. Gredd and her law firm to respond in writing. During my telephone conference, I do not plan to spend time discussing the past-- I will concentrate on discussing what should be done in the future. At Mr. Lawler's request, I have adjourned my telephone conference to 1/9/06 at 10:00 A.M. (Signed by Judge Douglas F. Eaton on 12/30/05) (js,) (Entered: 01/03/2006)
01/09/2006	(100)	NOTICE of Change of Law Firm Name: Counsel for Plaintiffs CSI Investment Partners II, L.P. et al., the firm formerly known as the Law Offices of Sean O'Shea, has changed its name to O'Shea Partners LLP, effective as of 10/21/2005. (lb,) (Entered: 01/10/2006)
01/18/2006	(101)	ENDORSED LETTER addressed to Magistrate Judge Douglas F. Eaton from Michael E. Petrella dated 1/18/06 re: The parties request (1) issue a summary order requiring Defendant Silverman to appear for a minimum of seven hours of deposition; or (2) review Plaintiffs' draft joint letter on this issue in camera to satisfy itself that Defendants' position has no basis in fact or law. I deny both of these requests. On the other hand, since I will be on trial next week, I direct Defendants to serve their portion of the joint letter by fax or e-mail by 12:00 noon on Friday, 1/20, provided that Plaintiffs serve their portion by 2:00 p.m. on 1/18.. (Signed by Judge Douglas F.

		Eaton on 1/18/06) (sac,) (Entered: 01/19/2006)
01/20/2006	(102)	ORDER; discovery cutoff is hereby extended from 3/31/2006 to 5/15/2006 to complete expert discovery. (Signed by Judge Douglas F. Eaton on 1/19/06) Copies Mailed By Chambers.(kco,) (Entered: 01/23/2006)
02/21/2006	(103)	MEMORANDUM AND ORDER I direct the dfts to serve, by 2/28/06, answers signed and sworn by Samuel Katz and by Henry Silverman to the interrogatories, as listed further in this document....Furthermore, I direct the dfts to serve, by 3/7/06, a sworn response to plntfs' 9/20/05 document request 4, as modified by my 11/29/05 Memo and order etc. (Signed by Judge Douglas F. Eaton on 2/21/06) copies sent by chambers(cd,) (Entered: 02/21/2006)
02/23/2006	(104)	ORDER that by 2/23/06 dfts must produce the complete transcripts of all depositions given by the witnesses as further set forth in this order; by 2/28/06 dft Henry Silverman and the other dfts must produce all documents (including any privilege log) that are responsive to plaintiffs' document request no. 62; I hereby give Mr. Silverman two options: provide by 2/27/06 firm dates and times (all prior to 3/25/06) for a total of seven hours of questioning by plaintiffs or provide by 2/27/06 a firm date and time for four hours of questioning prior to 3/25/06 and a firm date and time for an additional five hours of questioning prior to 4/22/06; the court declines to make a ruling, re: accounting fraud, with respect to the deposition of Mr. Silverman or anyone else; I authorize plaintiffs to prepare a subpoena to be signed by me, directing Scott Forbes to appear for up to seven hours of deposition and to provide documents at least five business days prior to his deposition as further set forth in this order; I hereby give dfts two options: cause Cendant Corporation to make a voluntary payment to plaintiff of \$5,000 by 2/28/06 or notify plaintiffs by 2/28/06 that the dfts require plaintiffs to serve and file an affidavit documenting what they claim to be their actual expenses incurred in making discovery motions contained joint letter 6. (Signed by Judge Douglas F. Eaton on 2/22/06) (dle,) (Entered: 02/24/2006)
02/23/2006	(105)	ORDER that if plaintiffs wish to depose Anne Pember and/or Cosmo Corigliano, they must wait until the witness is sentenced; except for those two depositions (and except for the possibility that Scott Forbes' deposition and the final portion of Henry Silverman's deposition may occur in April) the parties must commence all fact discovery in time to complete it by 3/31/06; I see no need at this time to rule on the request by the U.S. Attorney's office for an order staying the depositions of Ann Pember, cosmo Corigliano and Kevin Kearney until the completion of their testimony in the criminal trial scheduled to begin on 4/18/06. I hereby cancel the oral argument that I scheduled for 2/23/06. (Signed by Judge Douglas F. Eaton on 2/22/06) (dle,) (Entered: 02/24/2006)
02/23/2006		Set/Reset Deadlines: Discovery due by 3/31/2006. (dle,) (Entered: 02/24/2006)
03/02/2006	(106)	ORDER: the Court advises the parties that any objections they anticipate making to Judge's Eaton's order are not to be based on facts or information that the parties did not present to Judge Eaton for his consideration before he issued his order. Any such objection shall not be considered by this Court. (Signed by Judge Deborah A. Batts on 3/1/2006) (kco,) (Entered: 03/02/2006)
03/03/2006	(107)	Objection re: 104 Order,,,,, Document filed by Cendant Corporation, Henry Silverman, Samuel Katz. (cd,) (Entered: 03/07/2006)
03/03/2006	(108)	AFFIRMATION of Steven Flores in Support re: 107 Objection (non-motion). Document filed by Cendant Corporation, Henry Silverman, Samuel Katz. (cd,) (Entered: 03/07/2006)
03/09/2006	(109)	ENDORSED LETTER addressed to Judge Douglas F. Eaton from Michael E. Petrella dated 3/6/06. ENDORSEMENT: On 3/8/06, I held a telephone conference with Mr. petrella, Mr. Lawler, and Douglas Eabeley of Lewenstein Sandler. I read them the language set forth below, and they all agreed to it. I hereby permit plaintiff's to produce the 2/21/06 joint letter to lewenstein Sandler counsel for Ernest and Young and for Mark Rabinowitz, a potential witness hereby deemed to be covered by paragraph 7(b)(3) of the confidentiality stipulation dated 2/12/03) on condition that lewenstein Sandler, and Ernest and Young, and Mr. Rabinowitz each execute (and provide to plaintiffs a certificate in the form attached as exhibit A to said confidentiality stipulation. (Signed by Judge Douglas F. Eaton on 3/8/06) (js,) (Entered: 03/10/2006)
03/10/2006	(110)	DECLARATION of Sean F. O'Shea in Response to Objections by Defendants Cendant Corporation, Henry Silverman and Samuel Katz to Order from Magistrate Judge Eaton, Dated February 22, 2006. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Donald J. Shea, James M. Rothe, Michael Cossel. (djc,) (Entered: 03/10/2006)
03/10/2006	(111)	RESPONSE to Objections by Defendants Cendant Corporation, Henry Silverman and Samuel Katz to Order from Magistrate Judge Eaton, dated February 22, 2006. Document filed by John J. Adams, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (djc,) (Entered: 03/10/2006)
03/13/2006	(112)	MEMORANDUM AND ORDER; the plaintiffs are directed to serve by 3/14/06 an itemized privilege log, in compliance with the Court's Local Civil Rule 26.2, explaining the reasons why they seek to withhold or redact any documents responsive to defendant's discovery requests. (Signed by Judge Douglas F. Eaton on 3/12/06) (kco,) (Entered: 03/13/2006)
03/13/2006	(113)	ENDORSED LETTER: addressed to Magistrate Judge Douglas F. Eaton from Michael E. Petrella dated 3/13/2006. ENDORSEMENT: I hereby modify the last paragraph of my 3/12/2006 Memorandum and Order to read as follows: " Finally, I direct plaintiffs to serve an itemized privilege log, in compliance with our Court's Local Civil Rule 26.2, explaining the reasons why they seek to withhold or redact any document that is both (a) responsive to defendants' discovery requests and (b) concerns the verbal authorization issue. Plaintiffs must produce as complete a log as possible by 3/14/2006, and a final log by 3/20/2006." (Signed by Magistrate Judge Douglas F. Eaton on 3/13/2006) (lb,) (Entered: 03/14/2006)
03/15/2006	(114)	MEMORANDUM & ORDER: For the reasons contained herein, this Court DENIES defendants' and Forbes' requests to set aside or modify Judge Eaton's order. This Court affirms and adopts Judge Eaton's order, except for modifications to specific discovery deadlines, and except for Judge Eaton's ordering the production of deposition transcripts which would require defendant Cendant Corporation to violate the confidentiality order of Judge Walls in the District of New Jersey. All other rulings are set forth in this order. (Signed by Judge Deborah A. Batts on 3/15/2006) (lb,) (Entered: 03/16/2006)
03/17/2006	(115)	MEMORANDUM & ORDER: for reasons further set forth in said Order, defendants' and Forbes' request to set aside Magistrate Judge Douglas F. Eaton's Order is DENIED. Judge Douglas F. Eaton's 2/22/06 Order is AFFIRMED and ADOPTED, with the exception of his instructions in Paragraph One requiring defendants to violate Judge Walls' Confidentiality Order. (Signed by Judge Deborah A. Batts on 3/15/06) (db,) (Entered: 03/17/2006)
03/17/2006	(116)	ORDER that the court rules that dfts may depose Mr. Ferry, but only on three conditions: Mr. Ferry's deposition may not commence until after the completion of plaintiffs' deposition of Henry Silverman (now set for 4/5/06); dfts must serve Mr. Ferry and plaintiffs with a new deposition subpoena at least 14 days in advance of the deposition unless both Mr. Ferry and plaintiffs agree in writing to shorter service and after dfts' questioning of Mr. Ferry, plaintiff shall have an equal amount of time to question Mr. Ferry or four hours whichever is greater. (Signed by Judge Douglas F. Eaton on 3/15/06) (dle,) (Entered: 03/20/2006)
03/30/2006	(117)	ORDER plaintiffs are granted leave to amend the complaint. So Ordered. (Signed by Judge Deborah A. Batts on 3/29/06) (jco,) (Entered: 03/31/2006)
04/04/2006	(118)	NOTICE OF APPEARANCE by Herbert J. Stern on behalf of Henry Silverman. (jco,) (Entered: 04/06/2006)

04/04/2006	(119)	NOTICE OF APPEARANCE by James Glenn Kreissman on behalf of Henry Silverman. (jco,) (Entered: 04/06/2006)
04/18/2006	(120)	THIRD AMENDED COMPLAINT amending 51 Amended Complaint, against Cendant Corporation, Cosmo Corigliano, Henry Silverman, Samuel Katz. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. Related document: 51 Amended Complaint, filed by CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, (jco,) (Entered: 04/19/2006)
05/04/2006	(125)	MEMORANDUM ORDER: I direct the defendants and plaintiffs to share equally in paying the \$5,000 in "costs" demanded by Mr. Ferry. Plaintiffs may have a valid point about the requests to admit. I urge the parties to negotiate in good faith to work out mutual stipulations concerning the authenticity of the documents. If those negotiations fail, plaintiffs may initiate a joint letter to me, to be received by me no later than May 22, 2006. In all other respects, fact discovery will close on May 12 as set forth in Judge Batt's memorandum and order dated March 15, 2006. The parties must commence all expert discovery in time to complete it within sixty days after May 12, 2006, exactly as ordered by Judge Batt's. (Signed by Judge Douglas F. Eaton on 5/2/06) (js,) (Entered: 05/17/2006)
05/05/2006	(121)	DEMAND for Trial by Jury. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel(djc,) (Entered: 05/08/2006)
05/05/2006	(149)	DEMAND for Trial by Jury. Document filed by CSI Investment Partners II, L.P. et al.(cd,) (Entered: 11/07/2006)
05/09/2006	(122)	ENDORSED LETTER addressed to Judge Douglas F. Eaton from Steven S. Flores dated 5/8/06 re: In order to accomodate Mr. Jachimczyk's vacation schedule, the parties have tentatively arranged to depose Mr. Jachimczyk on May 19, 2006. we ask for this limited extension of fact discovery in order to allow the deposition to proceed on May 19, 2006 (or soon thereafter) by May 31, 2006 if at all possible. ENDORSEMENT: I grant this request. (Signed by Judge Douglas F. Eaton on 5/9/06) (js,) (Entered: 05/09/2006)
05/10/2006	(123)	STIPULATION AND ORDER defendants and Counter-Plaintiffs, their affiliates, parents, subsidiaries, successors, assigns, officers, and employees hereby waive, relinquish, and forever release plaintiffs and Counter-Defendants, their affiliates, parents, subsidiaries, successors, assigns, officers, and employees, from any liability whatsoever for any damages, costs, or expenses of any kind that in any way arise out of or relate to the case of Anne Katherine Frerichs, et al. v. Credentials Services International, et al., 98 C 3684 (N.D. Ill.), including but not limited to attorney's fees and any costs or expenses incurred in connection with the settlement of that action; plaintiffs hereby voluntarily dismiss with prejudice their fifth and ninth claims for relief in this action (all parties bearing their respective attorney's fees and costs); and that plaintiffs agree to forego the deposition of Robert Y. Sperling, Esq. in this action. So Ordered. (Signed by Judge Deborah A. Batts on 5/9/06) (jco,) (Entered: 05/11/2006)
05/16/2006	(124)	MEMORANDUM AND ORDER: I hereby grant authorization for the parties to continue authentication activities beyond May 12, 2006. If the parties are unable to resolve all of the authentication issues by May 29, then plaintiffs must, no later than noon on May 30, 2006, serve their portion of a joint letter, and defendants must serve their portion no later than noon on June 1, 2006, and any joint letter on this subject must be faxed to me no later than June 5, 2006. (Signed by Judge Douglas F. Eaton on 5/12/06) (js,) (Entered: 05/17/2006)
05/17/2006	(126)	ENDORSED LETTER addressed to Judge Douglas F. Eaton from Timothy J. McCaffrey dated 5/16/06 re: The parties should complete the deposition of John Ferry today. It is highly unlikely that I would grant requests 1 or 2. By 5/22/2006, plaintiffs must fax me an opposing letter (with a maximum of 5 pages). By 5/23, defendants may fax me any reply (with a maximum of 2 pages). I deny plaintiffs' 5/17 request for more time. (Signed by Judge Douglas F. Eaton on 5/17/06) (kco,) (Entered: 05/18/2006)
05/22/2006	(127)	ORDER that the court grants plaintiffs an extension until 6/15/06 to submit expert reports; I deny plaintiffs' request to strike the expert reports served by dfts in the first round. All expert discovery will close on 7/11/06. (Signed by Judge Douglas F. Eaton on 5/22/06) (dle,) (Entered: 05/22/2006)
05/31/2006	(128)	ORDER, that Defendants ask me to order the following relief: Strike all testimony related to alleged extortion attempt, Strike from the record Joint Exhibits 637 through 640 and order them inadmissible at trial; Grant Defendants an opportunity to re-depose Steven Kumble and Any other relief that this Court deems just and proper. I deny each of these requests. (Signed by Judge Douglas F. Eaton on 5/31/2006) (jmi,) (Entered: 06/02/2006)
06/12/2006	(129)	MEMORANDUM AND ORDER; I direct the attorneys to stop using small type. Expert discovery will close on 7/11/2006. Any party wishing to make a summary judgment motion must serve and file a notice of intent by August 10. All other rulings and deadlines are set forth in this order. (Signed by Magistrate Judge Douglas F. Eaton on 6/9/2006) Copies Mailed by Chambers.(kkc,) (Entered: 06/12/2006)
06/16/2006	(130)	MEMORANDUM AND ORDER: In response to plaintiffs' subpoena, Mr. Moritz has obtained the last known address, telephone number and date of birth of former Citibank employee Jacquelyn Connelly. Citing privacy grounds, Mr. Moritz objects to telling this information to plaintiffs' counsel. I overruled his objection, and directed him to tell this information to Mr. Petrella. I directed plaintiffs' counsel to use this information solely for purposes of this litigation, and to treat it as confidential information. (Signed by Judge Douglas F. Eaton on 6/15/06) (js,) (Entered: 06/16/2006)
06/28/2006	(131)	ENDORSED LETTER: addressed to Judge Deborah A. Batts from O'Shea Partners LLP dated 6/21/2006 re: the parties jointly request a brief extension of the expert discovery deadline in this action until 7/31/2006. ENDORSEMENT: Granted. So Ordered. (Signed by Judge Deborah A. Batts on 6/22/2006) (lb,) (Entered: 06/28/2006)
06/28/2006	(132)	ORDER that dfts are granted leave to amend their answer only in response to section 155 of the third amended complaint as dfts have set forth on page 49 of their proposed amended answer as further set forth in this order. Plaintiffs shall respond within 30 days of receipt of dfts' letter at which time the letter request will be fully submitted. (Signed by Judge Deborah A. Batts on 6/22/06) (dle,) (Entered: 06/28/2006)
07/24/2006	(133)	ENDORSED LETTER addressed to Judge Douglas F. Eaton from Jonathan R. Altschuler dated 7/20/06 re: Counsel writes to request leave of Court to depose a witness; defendants join plaintiffs in this request. On consent, I grant leave for plaintiffs to depose this witness. (Signed by Judge Douglas F. Eaton on 7/20/06) (jco,) (Entered: 07/24/2006)
08/14/2006	(134)	MEMORANDUM AND ORDER: regarding procedures to be followed that shall govern the handling of document production and depositions in this action. (Signed by Magistrate Judge Douglas F. Eaton on 8/11/2006) Copies Mailed By Chambers(lb,) (Entered: 08/14/2006)
08/24/2006	(135)	ORDER: Accordingly, proposed Requests to charge and proposed Voir Dire shall be submitted to this Court by December 8, 20064. A joint pre-trial statement, which shall conform to the Court's Individual practices and supplemental trial procedure Rules, shall be submitted by January 19, 2007. Memoranda of Law addressing those issues raised by the joint pre-trial statement shall be submitted by February 2, 2007. There shall be no replies. (Signed by Judge Deborah A. Batts on 8/22/06) (js,) (Entered: 08/25/2006)

08/29/2006	(136)	ENDORSED LETTER addressed to Magistrate Judge Douglas F. Eaton from Richard F. Lawler dated 8/17/2006 re: requesting a 1-week extension of time until 8/28/2006 to provide responses to plaintiff's fourth request for admissions. ENDORSEMENT: I grant this request. (Signed by Magistrate Judge Douglas F. Eaton on 8/17/2006) (lb,) (Entered: 08/30/2006)
09/06/2006	(137)	MOTION for Reconsideration purs to Local Rule 6.3. Document filed by Cendant Corporation, Henry Silverman, Samuel Katz; (docmt received in night dep. on 9/6/06 at 7:30 p.m. (djc,) (Entered: 09/07/2006)
09/06/2006	(138)	MEMORANDUM OF LAW in Support re: 137 MOTION for Reconsideration.. Document filed by Cendant Corporation, Henry Silverman, Samuel Katz. (djc,) (Entered: 09/07/2006)
09/21/2006	(139)	MEMORANDUM OF LAW in Opposition re: 137 MOTION for Reconsideration.. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (dle,) (Entered: 09/25/2006)
09/21/2006	(140)	DECLARATION of Michael E. Petrella in Opposition re: 137 MOTION for Reconsideration.. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (dle,) (Entered: 09/25/2006)
09/27/2006	(141)	REPLY MEMORANDUM OF LAW in Support re: 137 MOTION for Reconsideration.. Document filed by Cendant Corporation, Cosmo Corigliano, Henry Silverman, Samuel Katz. (dle,) (Entered: 10/02/2006)
09/29/2006	(142)	AMENDED ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT SAMUEL KATZ to Plaintiffs' Third Amended Complaint. Document filed by Samuel Katz. Related document: 120 Amended Complaint,,, filed by CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson,, M. Gerard Keehan,, Vineet Pruthi,, Donald J. Shea,, James M. Rothe,, Michael Cossel,, John J. Adams,, Robert E. Richardson,; Marilyn Schwartz,, Charles Caudle,(jmi,) (Entered: 10/03/2006)
09/29/2006	(143)	CENDANT CORPORATION'S AMENDED ANSWER AFFIRMATIVE DEFENSES AND COUNTERCLAIMS TO PLAINTIFFS' THIRD AMENDED COMPLAINT. Document filed by Cendant Corporation.(jmi,) (Entered: 10/03/2006)
09/29/2006	(144)	AMENDED ANSWER AND AFFIRMATIVE DEFENSES to Third Amended Complaint. Document filed by Henry Silverman.(ae,) (Entered: 10/11/2006)
10/18/2006	(145)	MEMO ENDORSEMENT on re: 137 MOTION for Reconsideration filed by Henry Silverman, Cendant Corporation, Samuel Katz. DENIED. A summary judgment motion at this stage of the proceedings is a dilatory tactic only. (Signed by Judge Deborah A. Batts on 10/4/06) (kco,) (Entered: 10/18/2006)
10/26/2006	(146)	ENDORSED LETTER addressed to Magistrate Judge Douglas F. Eaton from Michael E. Petrella dated 10/26/2006 re: to an extension of the Court's October 27, 2006 deadline until November 8, 2006. ENDORSEMENT: I grant this request. (Signed by Judge Douglas F. Eaton on 10/26/2006) (jmi,) (Entered: 10/30/2006)
10/31/2006	(147)	Non-Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Non-Appeal USCA Case Number 06-4844, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp,) Additional attachment(s) added on 11/20/2006 (tp,). (Entered: 10/31/2006)
10/31/2006		Non-Appeal Record Sent to USCA (File). Indexed record on Non-Appeal Documents (1,89,104,115,135,137,138,139,140,141,145 Only) USCA Case Number 06-4844, were transmitted to the U.S. Court of Appeals on 10/31/06 to the attention of Vincenza Mathias. (tp,) (Entered: 10/31/2006)
11/06/2006	(148)	ENDORSED LETTER addressed to, Magistrate Judge Douglas F. Eaton from Michael E. Petrella dated 11/3/2006 re: we respectfully propose the following: (1) that a fully briefed application on the Audit Report be submitted to the Court by the close of business on Monday; (2) that a fully briefed application to the Court on the Elkind notes be submitted to the Court by 6:00 p.m. on Tuesday (with defendants' opposition due by 6:00 p.m. on Monday); and (3) that the depositions of Mr. Buckman and Mr. Elkind be exempted from the 11/8/2006 deadline, and permitted within a reasonable time after the Court rules on the two applications. ENDORSEMENT: So Ordered. (Signed by Magistrate Judge Douglas F. Eaton on 11/3/2006) (lb,) (Entered: 11/07/2006)
11/14/2006	(150)	MEMORANDUM AND ORDER; within 14 days after receiving any Declaration signed by Peter Elkind, defendants Cendant, Silverman and Samuel Katz must modify or reaffirm their Rule 36 responses concerning Elkind's interview notes. It may be that they will contend that there is an insufficient foundation to receive those notes as business records. On the otherhand, it may be that they will contend that the statements contained in the notes were in accurately transcribed, or are inadmissible hearsay. If there are any such disputed issues, then the parties must brief such issues to Judge Batts as part of the Joint Pretrial Order. (Signed by Judge Douglas F. Eaton on 11/9/06) (kco,) (Entered: 11/14/2006)
11/14/2006	(151)	ORDER that all such arguments as set forth in this order (re:6/9/06 order) should be presented to Judge Batts as part of the joint pretrial order; it appears to me that each side possesses all the material facts concerning the Audit Report and is fully prepared to argue the caselaw to Judge Batts under both Rule 801(d)(2) and Rule 803(6). (Signed by Judge Douglas F. Eaton on 11/13/06) (dle,) (Entered: 11/15/2006)
11/20/2006	(152)	ENDORSED LETTER addressed to Judge Eaton from Michael Petrella dated 11/17/06 re request for additional time to engage in discussions to 11/29/06; I grant this request. I cancel today's phone conference. (Signed by Judge Douglas F. Eaton on 11/17/06) copies sent by chambers.(cd,) (Entered: 11/20/2006)
12/01/2006	(153)	ORDER that the court is in receipt of correspondence from plaintiffs dated 11/22/06 and 11/29/06. The court is also in receipt of correspondence from dfts dated 11/28/06 and 11/29/06. It is not clear tot he court what part of Individual Practices IV(A)(10) is not clear. References to designations in depositions solely relate to witnesses who will appear before the jury by deposition only. It does not apply to live witnesses. Further, any witnesses who are relevant to the matters at issue and will be subpoenaed to testify live at trial shall testify. Prior depositions and testimony of these witnesses will be available to all parties for purposes of impeachment, cross examination or any other appropriate use. (Signed by Judge Deborah A. Batts on 12/1/06) (dle,) (Entered: 12/04/2006)
12/20/2006	(154)	ORDER:Summary Judgment Motions due by 1/31/2007. Responses due by 2/28/2007 Replies due by 3/16/2007. Pretrial submissions et al schedule is adjourned sine die. (Signed by Judge Deborah A. Batts on 12/19/06) (cd,) (Entered: 12/20/2006)
01/29/2007	(155)	ENDORSED LETTER addressed to Judge Deborah A. Batts from Richard F. Lawler dated 1/26/07 re: Defendants request leave to file a memorandum in support of summary judgment in excess of 25 pages. Specifically, Defendants request leave to file a brief on behalf of Cendant not to exceed 35 pages and a brief on behalf of Silverman and Katz not to exceed 13 pages; Granted. (Signed by Judge Deborah A. Batts on 1/26/07) (ae) (Entered: 01/30/2007)

02/09/2007	(156)	ORDER that this court is in receipt of dfts' letter request to strike plaintiffs' motion for sanctions for pervasive discovery abuse and spoliation of evidence; dfts' request is denied. Dfts shall file their opposition papers to plaintiffs' motion to strike at the same time they file their opposition papers to plaintiffs' motion for summary judgment. (Signed by Judge Deborah A. Batts on 2/7/07) (dle) (Entered: 02/14/2007)
03/05/2007	(157)	ENDORSED LETTER addressed to Judge Deborah A. Batts from Richard F. Lawler dated 2/26/07 re: Application GRANTED. Defendant may file a single brief not to exceed fifty (50) pages in opposition to the motions for summary judgment. (Signed by Judge Deborah A. Batts on 2/27/07) (db) (Entered: 03/06/2007)
03/19/2007	(158)	ORDER...The Court is in receipt of Defendants' 3/14/07 letter, requesting permission to file a consolidated 20-page reply memorandum in response to Plaintiffs' Opposition to their summary judgment motion. Defendants' request is hereby GRANTED. (Signed by Judge Deborah A. Batts on 3/15/07) (rag) (Entered: 03/20/2007)
05/04/2007	(159)	ORDER: for reasons further set forth in said Order, defendants' Motion to Strike the Weinstein Declaration is hereby DENIED. (Signed by Judge Deborah A. Batts on 5/1/07) (db) (Entered: 05/08/2007)
05/30/2007	(160)	ORDER; that Dfts requests to file under seal the "documents" produced by Affinion and Experian is denied. The parties shall redact the Motion Papers in accordance with this Order. Additional relief as set forth in this Order. (Signed by Judge Deborah A. Batts on 5/25/07) (pl) (Entered: 05/31/2007)
06/07/2007	(161)	MOTION for an order pursuant to Rule 43 of the F.R.C.P. to Strike the Petrella Reply Declaration. Document filed by Cendant Corporation.(pl) (Entered: 06/08/2007)
06/07/2007	(162)	MEMORANDUM OF LAW in Support re: 161 MOTION to Strike.. Document filed by Cendant Corporation. (pl) (Entered: 06/08/2007)
06/07/2007	(163)	MOTION to Strike Declaration of Michael E. Petrella. Document filed by Cendant Corporation.(pl) (Entered: 06/08/2007)
06/07/2007	(164)	AFFIRMATION of Steven S. Flores in Support re: 161 MOTION to Strike., 163 MOTION to Strike.. Document filed by Cendant Corporation, Henry Silverman, Samuel Katz. (pl) (Entered: 06/08/2007)
06/07/2007	(165)	REPLY Combined OF LAW in Support re: 161 MOTION to Strike., 163 MOTION to Strike. Document filed by Cendant Corporation. (pl) (Entered: 06/08/2007)
06/07/2007	(166)	MOTION to Strike the Declaration of Allan D.I. Weinstein. Document filed by Cendant Corporation, Henry Silverman, Samuel Katz.(pl) (Entered: 06/08/2007)
06/07/2007	(167)	AFFIRMATION of Elizebeth Sheehan on behalf of Cendant Corporation. Document filed by Cendant Corporation. (pl) (Entered: 06/08/2007)
06/07/2007	(169)	AFFIRMATION of Peter W. Tomlinson in Opposition re: 168 MOTION for Sanctions. Document filed by Cendant Corporation. (pl) (Entered: 06/08/2007)
06/07/2007	(170)	REPLY MEMORANDUM OF LAW in Support re: 166 MOTION to Strike.. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) (Entered: 06/08/2007)
06/07/2007	(172)	AFFIRMATION of Richard F. Lawler in Opposition re: 168 MOTION for Sanctions. Document filed by Cendant Corporation, Cosmo Corigliano, Henry Silverman, Samuel Katz. (pl) (Entered: 06/08/2007)
06/07/2007	(173)	AFFIRMATION of Steven S. Flores in Support of Cendant's Response to Plaintiffs' motion for sanctions. Document filed by Cendant Corporation. (pl) (Entered: 06/08/2007)
06/07/2007	(177)	MEMORANDUM OF LAW in Support re: 174 MOTION to Strike.. Document filed by Cendant Corporation. (pl) (Entered: 06/11/2007)
06/07/2007	(188)	MEMORANDUM OF LAW in response re: 168 MOTION for Sanctions.. Document filed by Cendant Corporation. (pl) (Entered: 06/11/2007)
06/07/2007	(189)	MOTION for Summary Judgment pursuant to F.R.C.P. 56 (a) entering judgment on Cendant's counterclaims: (b) dismissing Plaintiffs' claims. Document filed by Cendant Corporation, Henry Silverman, Samuel Katz.(pl) (Entered: 06/11/2007)
06/07/2007	(190)	MEMORANDUM OF LAW in Support re: 189 MOTION for Summary Judgment.. Document filed by Cendant Corporation. (pl) (Entered: 06/11/2007)
06/07/2007	(191)	REPLY MEMORANDUM OF LAW in Support re: 189 MOTION for Summary Judgment.. Document filed by Cendant Corporation, Henry Silverman, Samuel Katz. (pl) (Entered: 06/11/2007)
06/07/2007	(192)	CENDANT CORP'S COMBINED Opposition re: 175 MOTION for Summary Judgment., 176 MOTION for Summary Judgment. Document filed by Cendant Corporation. (pl) (Entered: 06/11/2007)
06/07/2007	(193)	RULE 56.1 STATEMENT in support of their motion for Summary Judgment. Document filed by Cendant Corporation, Henry Silverman, Samuel Katz. (pl) (Entered: 06/11/2007)
06/07/2007	(194)	DEFENDANT'S RULE 56.1(B) STATEMENT in opposition to Plaintiffs' motion for summary judgment on count four of the Third Amended Complaint. Document filed by Cendant Corporation, Henry Silverman, Samuel Katz. (pl) (Entered: 06/11/2007)
06/07/2007	(195)	JOINT MEMORANDUM OF LAW in Support their motions for Summary Judgment. Document filed by Henry Silverman, Samuel Katz. (pl) (Entered: 06/11/2007)
06/07/2007	(196)	AFFIRMATION of Richard F. Lawler in Support re: 174 MOTION to Strike, w/ Volumes II and III. Document filed by Cendant Corporation, Henry Silverman, Samuel Katz. (pl) Modified on 6/11/2007 (Lancaster, Patricia). (Entered: 06/11/2007)
06/07/2007	(200)	LOCAL RULE 56.1 in opposition to Counter-Defendants motion for summary judgment dismissing counterclaims. Document filed by Cendant Corporation. (pl) (Entered: 06/11/2007)
06/07/2007	(201)	COUNTER-PLAINTIFF CENDANT CORPORATIONS' MEMORANDUM OF LAW in Support re: 166 MOTION to Strike. Document filed by Cendant Corporation(a Delaware corporation). (pl) (Entered: 06/11/2007)
06/07/2007	(202)	AFFIRMATION of Richard F. Lawler to authenticate exhibits in support of re: 192 Response in Opposition to Motion, and 194 Rule 56.1 Statement. Document filed by Cendant Corporation. (pl) (Entered: 06/11/2007)
06/07/2007	(203)	AFFIRMATION of Richard F. Lawler to authenticate exhibits in Support re: 192 Response in Opposition to Motion, 200 Rule 56.1 Statement. Document filed by Cendant Corporation, Henry Silverman, Samuel Katz. (pl) (Entered: 06/11/2007)

06/07/2007	(204)	AFFIRMATION of Richard F. Lawler to authenticate exhibits in Support re: 189 MOTION for Summary Judgment along with Volume's I,II and III. Document filed by Cendant Corporation, Henry Silverman, Samuel Katz. (pl) (Entered: 06/11/2007)
06/08/2007	(168)	MOTION for an order for Sanctions pursuant to F.R.C.P. on account of Dft's pervasive discovery abuse and spoliation of evidence. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel.(pl) Modified on 6/8/2007 (Lancaster, Patricia). (Entered: 06/08/2007)
06/08/2007	(171)	REPLY AFFIRMATION of Steven S. Flores in Support re: 166 MOTION to Strike.. Document filed by Cendant Corporation. (pl) (Entered: 06/08/2007)
06/08/2007	(174)	MOTION for an order to Strike Plaintiff's Rule 56.1(a) and 56.1(b) statements. Document filed by Cendant Corporation.(pl) (Entered: 06/11/2007)
06/08/2007	(175)	MOTION; for an order for entry of summary judgment pursuant to F.R.C.P. 56 dismissing the Counterclaims of Dft. Cendant Corporation. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel.(pl) (Entered: 06/11/2007)
06/08/2007	(176)	MOTION; for an order for entry of summary judgment pursuant to F.R.C.P. 56 on Count 4 of Plaintiff's Third Amended Complaint. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel.(pl) (Entered: 06/11/2007)
06/08/2007	(178)	REPLY Declaration of Michael E. Petrella in Support re: 168 MOTION for Sanctions. Document filed by John J. Adams, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) (Entered: 06/11/2007)
06/08/2007	179	REPLY STATEMENT OF MATERIAL UNDISPUTED FACTS PURSUANT TO RULE 56.1 STATEMENT in further support of their motion for summary judgment dismiss the counterclaims. Document filed by John J. Adams, Robert E. Richardson, Charles Caudle, CSI Investment Partners II, L.P.(a Delaware limited partnership), CIS Acquisition Partners, L.P.(a Delaware limited partnership), Canterbury Mezzanine Capital, L.P.(a Delaware limited partnership), Vineet Pruthi. (pl) (Entered: 06/11/2007)
06/08/2007	(180)	REPLY STATEMENT LOCAL RULE 56.1(B) in further support of their motion for summary judgment on count Four of the Third Amended Complaint. Document filed by John J. Adams, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) (Entered: 06/11/2007)
06/08/2007	(181)	DECLARATION of Michael E. Petrella in Support re: 168 MOTION for Sanctions. Document filed by Robert E. Richardson, Marilyn Schwartz, David C. Thompson, Vineet Pruthi, Donald J. Shea, James M. Rothe. (pl) (Entered: 06/11/2007)
06/08/2007	182	PLAINTIFFS' AND THIRD-PARTY DEFENDANTS' CONSOLIDATED MEMORANDUM OF LAW in Opposition re: 175 MOTION for Summary Judgment., 176 MOTION for Summary Judgment. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) Modified on 6/11/2007 (Lancaster, Patricia). (Entered: 06/11/2007)
06/08/2007	(183)	PLAINTIFF'S CONSOLIDATED MEMORANDUM OF LAW in further Support re: 168 MOTION for Sanctions., and in opposition to 174 MOTION to Strike.. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) (Entered: 06/11/2007)
06/08/2007	(184)	PLAINTIFF'S AND THIRD-PARTY DEFENDANTS' CONSOLIDATED MEMORANDUM OF LAW in Support in further support re: 175 MOTION for Summary Judgment., in opposition re: 166 MOTION to Strike., in further support re: 176 MOTION for Summary Judgment. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) (Entered: 06/11/2007)
06/08/2007	(185)	MEMORANDUM OF LAW in Support re: 175 MOTION for Summary Judgment.. Document filed by Cendant Corporation(a Delaware corporation), Robert E. Richardson, Charles Caudle, CSI Investment Partners II, L.P.(a Delaware limited partnership), CIS Acquisition Partners, L.P.(a Delaware limited partnership), Canterbury Mezzanine Capital, L.P.(a Delaware limited partnership), David C. Thompson, M. Gerard Keehan, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) (Entered: 06/11/2007)
06/08/2007	(186)	MEMORANDUM OF LAW in Support re: 168 MOTION for Sanctions.. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) (Entered: 06/11/2007)
06/08/2007	(187)	MEMORANDUM OF LAW in Support re: 176 MOTION for Summary Judgment.. Document filed by John J. Adams, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) (Entered: 06/11/2007)
06/08/2007	(196)	PLAINTIFF'S RESPONSE re: 193 Rule 56.1 Statement and additional material facts #'s 1-25. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) Modified on 6/11/2007 (Lancaster, Patricia). (Entered: 06/11/2007)
06/08/2007	(197)	PLAINTIFF'S STATEMENT OF MATERIAL UNDISPUTED FACTS PURSUANT TO LOCAL RULE 56.1 in support of their motion for partial summary judgment on count four of the Third Amended Complaint. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) Modified on 6/11/2007 (Lancaster, Patricia). (Entered: 06/11/2007)
06/08/2007	(198)	COUNTERCLAIM-DEFENDANT'S STATEMENT OF MATERIAL UNDISPUTED FACTS PURSUANT TO LOCAL RULE 56.1 in support of their motion for summary judgment dismissing the counterclaims. Document filed by Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P.(a Delaware limited partnership), CIS Acquisition Partners, L.P.(a Delaware limited partnership), Canterbury Mezzanine Capital, L.P.(a Delaware limited partnership), David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) (Entered: 06/11/2007)

06/11/2007	(205)	ORDER that on 5/4/07 and upon submissions to chambers, the court decided these motions to strike prior to their being filed formally with the clerk of court. Accordingly, these motions are no longer pending. The clerk of court is directed to close the motions listed on the docket as nos. 161, 163, 166 and 174. (Signed by Judge Deborah A. Batts on 6/11/07) (dle) (Entered: 06/15/2007)
09/07/2007	(206)	OPINION #95152; For the reasons stated above:(1) Defendant Cendants Motion for Summary Judgment is DENIED as to Counts Three and Four of the Third Amended Complaint, but GRANTED as to Counts One, Two, Six, Seven, and Eight of the Third Amended Complaint(2) Defendant Silvermans Motion for Summary Judgment is GRANTED;(3) Defendant Katz Motion for Summary Judgment is GRANTED;(4) Summary judgment is GRANTED in favor of Cosmo Corigliano on all claims against him;(5) Counterclaim-Defendants Motion for Summary Judgment is GRANTED in its entirety;(6) Sellers Motion for Summary Judgment on Count Four of the Third Amended Complaint is GRANTED; and(7) Sellers Motion for Sanctions is GRANTED IN PART and DENIED IN PART. Cendant shall pay Sellers \$720,000.00 in sanctions.(8) Summary judgment is GRANTED in Sellers favor on Counts Three and Four of the Third Amended Complaint. Accordingly, Cendant owes Sellers jointly and severally a total of \$94,257,063.61, which represents \$50,000,000.00 (plus \$33,472,610.55 of prejudgment interest) due under Count Three,\$562,176.00 (plus \$431,246.82 of prejudgment interest) due for the first Section 2.3(c) tranche pursuant to Count Four of the Third Amended Complaint, \$3,200,000.00 (plus \$2,431,032.24 of prejudgment interest) due for the second Section 2.3(c) tranche pursuant to Count Four of the Third Amended Complaint, \$2,000,000.00 (plus \$1,439,998.00 of prejudgment interest) due for the Section 2.3(d) tranche pursuant to Count Four of the Third Amended Complaint, and \$720,000.00 in sanctions. Sellers also shall file and serve within thirty days of the date of this Opinion an affidavit which explains their attorneys fees related to their Court Four Breach of contract claim. Cendant shall respond, if it so desires, within thirty days of receipt of Sellers affidavit. (Signed by Judge Deborah A. Batts on 9/7/07) (pl) Modified on 9/7/2007 (Lancaster, Patricia). Modified on 9/21/2007 (Lancaster, Patricia). (Entered: 09/07/2007)
09/07/2007		***DELETED DOCUMENT. Deleted document number 207 Opinion. The document was incorrectly filed in this case. (ae) (Entered: 09/11/2007)
09/11/2007		Transmission to Judgments and Orders Clerk. Transmitted re: 206 Memorandum & Opinion, to the Judgments and Orders Clerk. (ae) (Entered: 09/11/2007)
09/17/2007	(207)	ENDORSED LETTER addressed to Judge Deborah A. Batts from Michael E. Petrella dated 9/12/07 re: Plaintiff requests leave to file an affidavit within 30 days of this Court's 9/7/07 Opinion detailing the attorney's fees, costs, and disbursements they incurred in connection with Cendant's breach of Sections 2.3(c), 2.3(d), and 5.11 of the SPA. ENDORSEMENT: Application GRANTED. (Signed by Judge Deborah A. Batts on 9/17/07) (db) (Entered: 09/18/2007)
09/21/2007	(208)	MOTION for Reconsideration re; 206 Memorandum & Opinion. MOTION to Vacate this Court's sua sponte award of summary judgment in connection with Count III of the Third Amended Complaint in this matter. Document filed by Cendant Corporation.Exhibits A (Volumes II and III) attached. (tro) (Entered: 09/24/2007)
09/21/2007	(209)	MEMORANDUM OF LAW in Support re: 208 MOTION for Reconsideration re; 206 Memorandum & Opinion. MOTION to Vacate. Document filed by Cendant Corporation. (tro) (Entered: 09/24/2007)
09/26/2007	(210)	ENDORSED LETTER addressed to Judge Deborah A. Batts from Michael E. Petrella dated 9/25/07 re: a request for an extension of time to file opposition papers until 10/22/2007 and reply papers due by 11/12/2007. ENDORSEMENT: SO ORDERED. Set Deadlines/Hearing as to 208 MOTION for Reconsideration :Responses due by 10/22/2007. Replies due by 11/12/2007. (Signed by Judge Deborah A. Batts on 9/26/07) (kco) (Entered: 09/27/2007)
10/02/2007	(211)	ENDORSED LETTER addressed to Judge Deborah A. Batts from Michael E. Petrella dated 9/27/2007 re: Plaintiffs therefore write to request that the Court's 30-day directive be suspended such that Plaintiffs' affidavit explaining the attorneys fees and costs incurred need not be filed and serve until 20 days after the Court rules on Defendant's motion for reconsideration. ENDORSEMENT: granted. SO ORDERED. (Signed by Judge Deborah A. Batts on 10/2/2007) (jmi) (Entered: 10/03/2007)
10/16/2007	(212)	CERTIFICATE OF SERVICE that on 9/19/07 a letter to the Clerk of the Court of the S.D.N.Y., dated 9/19/07 by hand delivery upon Michael Petrella, Esq., Alan R. Friedman, Esq. (pl) (Entered: 10/25/2007)
10/23/2007	*213	MOTION to Strike the Affidavits of Cosmo Corigliano, Anne Pember and Samuel Katz; and Contingent MOTION for Reconsideration. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel.(djc) (Entered: 10/25/2007)
10/23/2007	214	MEMORANDUM OF LAW in Support re: 213 MOTION to Strike. MOTION for Reconsideration. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (djc) (Entered: 10/25/2007)
10/23/2007	215	RESPONSE to Defendant Cendant Corporation's Improper Statement Pursuant to Local Civil Rule 56.1 and Statement of Additional Material Facts in Opposition to Defendant Cendant Corporation's Motion for Reconsideration. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (djc) (Entered: 10/25/2007)
10/23/2007	216	MEMORANDUM OF LAW in Opposition re: 208 MOTION for Reconsideration re; and in Support of 206 Memorandum & Opinion, MOTION to Vacate. MOTION for Reconsideration re; 206 Memorandum & Opinion, 213 MOTION to Strike. MOTION for Reconsideration. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (djc) (Entered: 10/25/2007)
10/24/2007	(217)	AMENDED MEMORANDUM OF LAW in Opposition re: 208 MOTION for Reconsideration re; 206 Memorandum & Opinion. MOTION to Vacate. MOTION for Reconsideration re; 206 Memorandum & Opinion, 213 MOTION to Strike. MOTION for Reconsideration. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) (Entered: 10/26/2007)
10/24/2007	(218)	AMENDED MEMORANDUM OF LAW in Support of their contingent motion for reconsideration. Document filed by John J. Adams, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (pl) (Entered: 10/26/2007)
10/31/2007		Non-Appeal Record Returned. Indexed record on Non-Appeal Files USCA Case Number 06-4844-op, returned from the U.S. Court of Appeals. (nd) (Entered: 11/07/2007)

11/01/2007	(210)	ENDORSED LETTER addressed to Judge Deborah A. Batts from Richard F. Lawler dated 10/30/07 re: counsel for Cendant requests an additional 10 pages for its Reply Memorandum to Plaintiffs' Opposition to Cendant's Motion for Reconsideration. ENDORSEMENT: Denied. So Ordered. (Signed by Judge Deborah A. Batts on 11/1/07) (dle) (Entered: 11/02/2007)
11/05/2007	(220)	AFFIRMATION of Richard F. Lawler in Support of Cendant's Opposition to Plaintiff's Contingent Motion to reconsider and their Motion to Strike the Affidavits of Cosmo Corigliano, Anne Pember an Samuel Katz. (docm received in night dep. on 11/5/07 at 9:22pm) (djc) Modified on 11/7/2007 (Clark, Dolores). (Entered: 11/07/2007)
11/05/2007	(221)	OPPOSITION/RESPONSE to Motion re: 213 MOTION to Strike. MOTION for Reconsideration. Document filed by Cendant Corporation. (djc) (Entered: 11/07/2007)
11/12/2007	(222)	REPLY MEMORANDUM OF LAW in Support re: 208 MOTION for Reconsideration re 206 Memorandum & Opinion, MOTION to Vacate Document filed by Cendant Corporation, Henry Silverman, Samuel Katz. (document received in night dep. on 11/12/07 at 8:56pm) (djc) Modified on 11/14/2007 (Clark, Dolores). (Entered: 11/14/2007)
11/12/2007	(223)	AFFIRMATION of Richard F. Lawler in Support of Cendant Corporation's Further 56.1 (B) Statement Establishing Material Facts as to Which there Exists a Genuine Issue to be Tried. Document filed by Cendant Corporation. (document received in night dep. on 11/12/07 at 8:56pm) (djc) (Entered: 11/14/2007)
11/12/2007	(225)	CENDANT CORPORATION'S FURTHER RULE 56.1(b) STATEMENT Establishing Material Facts at to Which There Exists a Genuine issue to be Tried. Document filed by Cendant Corporation. (docm received in night dep. on 11/12/07 at 8:56 p.m.) (djc) (Entered: 11/16/2007)
11/13/2007	(224)	REPLY MEMORANDUM OF LAW in Further Support of their contingent Cross-Motion for Reconsideration and their Cross-Motion to strike the Affidavits of Cosmo Corigliano, Anne Pember, and Samuel Katz. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (djc) (Entered: 11/15/2007)
11/13/2007	(226)	REPLY DECLARATION of Sean F. O'Shea in Further Support of Plaintiffs' contingent Motion for Reconsideration and Motion to Strike the Affidavits of Cosmo Corigliano, Anne Pember, and Samuel Katz. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. (djc) (Entered: 11/16/2007)
05/07/2008	(227)	ORDER, for the reasons stated herein, Cendant Corporation's motion to reconsider is denied. plaintiffs' contingent motion is denied as untimely and/or moot. Pursuant to this court's September 7, 2007 opinion and grant of an extension of time on October 2, 2007, plaintiff shall file and serve within thirty days of the date of which this order an affidavit whihc justifies their attorneys' fees. Cendant shall respond, if it so desires within thirty days of receipt of sellers' affidavit.. (Signed by Judge Deborah A. Batts on 5/7/2008) (mme) (Entered: 05/07/2008)
05/07/2008	(228)	ORDER denying 208 Motion to Vacate. Cedent has not presented any evidence tending to show that the damages awarded were not a "reasonable estimate" of the damages incurred by their breach. For the reasons stated herein, Cedent Corporation's Motion to Reconsider is DENIED. Plaintiff's Contingent Motion to Reconsider is DENIED as untimely and/or moot. Pursuant to this Court's 9/7/07 Opinion, Plaintiffs shall file and serve within thirty days of the date of this ORDER and affidavit which justifies their attorney's fees. Cedent shall respond, if it so desires, within thirty days of receipt of Sellers' affidavit. (Signed by Judge Deborah A. Batts on 5/7/2008) (tve) (Entered: 05/07/2008)
05/15/2008	(229)	ORDER that the Clerk of the Court is hereby ORDERED to enter final judgment in the following amounts and as to the following parties: 1) that Plaintiffs CSI Investment Partners, CIS Acquisition Partners, Canterbury Mezzanine Capital, David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shear, James M. Rothe, Michael Cossel, John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle recover from Cendant Corp the sum of \$97,847,513.29, which includes prejudgment interest up to 5/16/08. 2) Plaintiffs' action be dismissed with prejudice soley as to defendants Henry Silverman, Samuel Katz, Cosmo Corigliano, and John Does 1 through 100 inclusive. 3) As to Counterclaim-Plaintiffs' counter-claims, they are DISMISSED with prejudice. (Signed by Judge Deborah A. Batts on 5/15/08) (cd) (Entered: 05/16/2008)
05/15/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 229 Order, to the Judgments and Orders Clerk. (cd) (Entered: 05/16/2008)
05/16/2008	(230)	CLERK'S (RULE 54(b))JUDGMENT # 08,0832 It is, ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Order dated May 15, 2008, that pursuant to Fed. R. Civ. P. 54(b), there is no just reason for delay, judgment is entered that Plaintiffs CSI INVESTMENT PARTNERS II, L.P., CIS ACQUISITION PARTNERS, L.P., CANTERBURY MEZZANINE CAPITAL, L.P., DAVID C. THOMPSON, M. GERARD KEEHAN, VINEET PRUTHI, DONALD J. SHEA, JAMES M. ROTHE, MICHAEL COSELL, JOHN J. ADAMS, RICHARD E. RICHARDSON, MARILYN SCHWARTZ, CHARLES CAUDLE recover from CENDANT CORPORATION the sum of \$97,847,513.29, which includes prejudgment interest up to May 16, 2008; plaintiffs action is dismissed with prejudice solely as to defendants Henry Silverman, Samuel Katz, Cosmo Corigliano, and John Does 1 through 100 inclusive; and Counterclaim-Plaintiffs counter-claims are dismissed with prejudice. (Signed by J. Michael McMahon, Clerk on 05/16/08) (Attachments: # 1 Notice of right to Appeal)(dt). (Entered: 05/16/2008)
05/16/2008		Mailed notice of Right to Appeal To Attorney(s) of Record: Kent B. Goss, James Glenn Kreissman, Richard Francis Lawler, Henry Edward Mazurek, Gary P. Naftalis, Sean F. O'Shea, Robert Y. Sperling, Herbert J. Stern. (ama) (Entered: 05/19/2008)
05/23/2008	231	NOTICE OF APPEAL from 230 Clerk's Judgment. Document filed by Cendant Corporation. Filing fee \$ 455.00, receipt number E 652233. (tp) (Entered: 05/23/2008)
05/23/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 231 Notice of Appeal. (tp) (Entered: 05/23/2008)
05/23/2008		Transmission of Notice of Appeal to the District Judge re: 231 Notice of Appeal. (tp) (Entered: 05/23/2008)
05/23/2008	(232)	SUPERSEDAS BOND # 08916502 in the amount of \$40,729,027.41 posted by Cendant Corporation. (dt) (Entered: 05/27/2008)
05/23/2008	(233)	SUPERSEDAS BOND # 6519618 in the amount of \$ 67,881,712.34 posted by Cendant Corporation. (dt) (Entered: 05/27/2008)
06/02/2008	(234)	NOTICE OF APPEAL from 230 Clerk's Judgment, 206 Memorandum & Opinion, 227 Order on Motion for Reconsideration. Document filed by John J. Adams, Robert E. Richardson, Marilyn Schwartz, Charles Caudle, CSI Investment Partners II, L.P., CIS Acquisition Partners, L.P., Canterbury Mezzanine Capital, L.P., David C. Thompson, M. Gerard Keehan, Vineet Pruthi, Donald J. Shea, James M. Rothe, Michael Cossel. Filing fee \$ 455.00, receipt number E 652817. Copies mailed to attorney(s) of record: Winston & Strawn LLP; Simpson Thatcher & Bartlett LLP; Stern & Greenberg; and Kramer Levin Naftalis & Frankel, LLP. (tp) (Entered: 06/02/2008)
06/02/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 234 Notice of Appeal.(tp) (Entered: 06/02/2008)

06/02/2008		Transmission of Notice of Appeal to the District Judge re: 234 Notice of Appeal.(tp) (Entered: 06/02/2008)
06/02/2008	(235)	ORDER PLACING CASE ON SUSPENSE, the Clerk of Court shall transfer this case to the suspense docket until and unless the case, pursuant to Rule 20 of the Rules for the Division of Business among District Judges of the Southern District of New York, properly may be reassigned to this Court. (Signed by Judge Deborah A. Batts on 6/2/08) (cd) (Entered: 06/03/2008)